

GREGORY D. WOLFLICK, SB# 108699
DAVID B. SIMPSON, SB# 106326
WOLFLICK & SIMPSON
130 North Brand Boulevard
Suite 410
Glendale, California 91203
Telephone: (818) 243-8300
Facsimile: (818) 243-0122
email: greg@wolfsim.com

Attorneys for Defendants
DREYER'S GRAND ICE CREAM, INC., and
DREYER'S GRAND ICE CREAM HOLDINGS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(E-FILING)

DANNY WALKER and
JAMES ALEXANDER,

Plaintiffs,

vs.

DREYER'S GRAND ICE CREAM, INC.,
NESTLE U.S.A., INC., DREYER'S GRAND
ICE CREAM HOLDINGS, INC., and DOES
ONE through TWENTY, inclusive,

Defendants.

CASE NO.: C 06-04354 PJH

**STIPULATED DISMISSAL WITH
PREJUDICE AS TO PLAINTIFF JAMES
ALEXANDER; DISMISSAL OF
DEFENDANT NESTLE USA, INC.**

TO THE COURT:

Plaintiff James Alexander and Defendants Dreyer's Grand Ice Cream, Inc.; Dreyer's Grand Ice Cream Holdings, Inc.; and, Nestle U.S.A., Inc. hereby stipulate, pursuant to FRCP 41(a) to dismissal by Plaintiff James Alexander, with prejudice, of the entire above-captioned action as against all named Defendants.

1 Plaintiff Danny Walker and Defendants Dreyer's Grand Ice Cream; Dreyer's Grand Ice Cream
2 Holdings, Inc.; and Nestle U.S.A., Inc. hereby stipulate, pursuant to FRCP 41(a) to dismissal by Plaintiff
3 Danny Walker, with prejudice, of the entire above-captioned action as against Defendant Nestle U.S.A.,
4 Inc.. It is further agreed and understood that all parties shall bear its/their own costs and attorney's fees
5 in connection with the naming of and dismissal of Nestle U.S.A., Inc.

6
7 LAW OFFICE OF MARYLON M. BOYD

8
9 DATED: December 6, 2006

10 BY: /s/
11 MARYLON M. BOYD
12 Attorneys for Plaintiffs
13 James Alexander and Danny Walker

14
15 WOLFLICK & SIMPSON

16 DATED: December 6, 2006

17 BY: /s/
18 GREGORY D. WOLFLICK
19 Attorneys for Defendants
20 DREYER'S GRAND ICE CREAM, INC., and
21 DREYER'S GRAND ICE CREAM HOLDINGS,
22 INC.

23
24 BERRY & PERKINS

25 DATED: December 6, 2006

26 BY: /s/
27 JAMES H. BERRY, JR.
28 Attorneys for Defendant
Nestle U.S.A., Inc.

IT IS SO ORDERED

29 DATED: 12/8/06



PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 130 North Brand Boulevard, Glendale, California 91203.

On December 6, 2006, I served the foregoing document described as: **STIPULATED DISMISSAL WITH PREJUDICE AS TO PLAINTIFFS JAMES ALEXANDER; DISMISSAL OF DEFENDANT NESTLE USA, INC.** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed as follows:

Marylon M. Boyd, Esq.
Law Offices of Marylon M. Boyd
2201 Broadway Street
Suite 815
Oakland, California 94612

James H. Berry, Jr.
Berry & Perkins
2049 Century Park East
Suite 950
Los Angeles, California 90067-3134

XXX (BY MAIL) as follows: I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Glendale, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit of mailing in affidavit.

____ (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee(s).

____ (BY OVERNIGHT COURIER) I caused to be delivered via overnight courier to the offices of the addressee(s).

____ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

XXX (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on December 6, 2006, at Glendale, California.

NARINEH LEON

/s/